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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1646

DWORETZKY ET AL.

Examiner: MURPHY, DR. JOSEPH F.

APPLICATION NO: 09/866,020

FILED: MAY 24, 2001

FOR: HUMAN KCNQ5 POTASSIUM CHANNEL, METHODS AND
COMPOSITIONS THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
TO OVERCOME A REFERENCE PURSUANT TO 37 C.F.R. § 1.131

Sir:

1. We, Steven I. Dworetzky, residing at 43 High Meadow Lane, Middlefield, Connecticut, Chandra S. Ramanathan, residing at 41 Allison Avenue, Wallingford, Connecticut, Joanne T. Natale, formerly Joanne T. Trojanacki, residing at 259 Weatherly Trail, Guilford, Connecticut, Christopher G. Boissard, residing at 73 Oxbow Lane, Northford, Connecticut and Valentin K. Gribkoff, residing at 142 Williams Road, Wallingford, Connecticut, all citizens of the United States, are joint inventors of the above-identified patent application.

2. At the time of the invention thereof we were working for Bristol-Myers Squibb Company, the assignee of the present application. We submit this declaration to establish completion of the invention set forth in this patent application in the United States at a date prior to March 21, 2000, i.e. the priority date of U.S. Patent Application Serial No. 09/810,796 by Jegla, published August 1, 2002. (hereinafter "the Jegla publication"), which was cited by the Examiner in Office Action mailed February 9, 2004.

3. From the documents submitted herewith and as set forth hereinbelow, it can be seen that the invention was completed in the United States before March 21, 2000, the priority date of the Jegla publication. Completion of the invention prior to March 21, 2000 is shown by conception and actual reduction to practice of the invention as evidenced by the cloning and sequencing of the KCNQ5 gene (hereinafter "KCNQ5").

4. To establish conception and reduction to practice, i.e. completion of the invention at a date prior to March 21, 2000, the following documents are submitted as evidence:

Bristol-Myers Squibb Notebook No. 44994, page 042, 072, and Bristol-Myers Squibb Notebook 46453, pp. 186-188 and 192-200, were completed prior to March 21, 2000 (Exhibit A). These pages show cloning of full-length KCNQ5 and set forth the nucleotide sequence of KCNQ5, which corresponds to SEQ ID NO:2 in the present application. These notebook records evidence conception and actual reduction to practice of the complete invention prior to March 21, 2000.

5. The materials submitted herewith establish that the invention as claimed was completed, i.e. conceived and reduced to practice, at a date prior to March 21, 2000, the priority date of the Jegla publication.

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code

and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATED: 3-26-04 Steven I. Dworetzky
Steven I. Dworetzky

STATE OF Connecticut)
~~NEW~~) ss. Wallingford
COUNTY OF New Haven)

On the 26 day of March 2004, before me came Steven I. Dworetzky, to me known to be the person of that name mentioned in, and who executed the foregoing ~~Assignment~~ and acknowledged that he executed it. Declaration

Janet C. Sudol
Notary Public

JANET C. SUDOL
Notary Public, State Of Connecticut
My Commission Expires August 31, 2007

DATED: 3/29/2004 Chandra S. Ramanathan
Chandra S. Ramanathan

STATE OF Connecticut)
~~NEW~~) ss. Wallingford
COUNTY OF New Haven)

On the 29 day of March 2004, before me came Chandra S. Ramanathan, to me known to be the person of that name mentioned in, and who executed the foregoing ~~Assignment~~ and acknowledged that he executed it. Declaration

Janet C. Sudol
Notary Public

JANET C. SUDOL
Notary Public, State Of Connecticut
My Commission Expires August 31, 2007

DATED: 3/30/04

Joanne T. Natale
Joanne T. Natale, formerly Joanne T. Trojanacki

JN
3/30/04

STATE OF Connecticut)
~~NEW~~) ss. Wallingford
COUNTY OF New Haven)

On the 30 day of March 2004, before me came Joanne T. Natale, formerly Joanne T. Trojanacki, to me known to be the person of that name mentioned in, and who executed the foregoing ~~Assignment~~ and acknowledged that he executed it.

Declaration

Janet C. Sudol
Notary Public

JANET C. SUDOL
Notary Public, State Of Connecticut
My Commission Expires August 31, 2007

[SEAL]

DATED: 3-26-2004

Christopher G. Boissard
Christopher G. Boissard

STATE OF Connecticut)
~~NEW~~) ss. Wallingford
COUNTY OF New Haven)

On the 26 day of March 2004, before me came Christopher G. Boissard, to me known to be the person of that name mentioned in, and who executed the foregoing ~~Assignment~~ and acknowledged that he executed it.

Declaration

Janet C. Sudol
Notary Public

JANET C. SUDOL
Notary Public, State Of Connecticut
My Commission Expires August 31, 2007

[SEAL]

DATED: 4-7-04

Valentin K. Gribkoff
Valentin K. Gribkoff

Valentin K. Gribkoff

STATE OF NEW YORK)
) ss.
COUNTY OF)

On the 7 day of April 2004, before me came Valentin K. Gribkoff, to me known to be the person of that name mentioned in, and who executed the foregoing Assignment and acknowledged that he executed it.


Notary Public

[SEAL]

